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1 **PART B—EDUCATION OF MIGRATORY CHILDREN**

2 **SEC. 201. STATE ALLOCATIONS.**

3 Section 1303 of the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 6393) is amended—

5 (1) by amending subsection (a) to read as follows:

6 “(a) STATE ALLOCATIONS.—

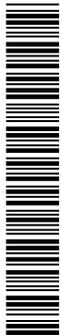
7 “(1) FISCAL YEAR 2000.—For fiscal year 2000,
8 each State (other than the Commonwealth of Puerto
9 Rico) is entitled to receive under this part an
10 amount equal to—

11 “(A) the sum of the estimated number of
12 migratory children aged three through 21 who
13 reside in the State full time and the full-time
14 equivalent of the estimated number of migra-
15 tory children aged three through 21 who reside
16 in the State part time, as determined in accord-
17 ance with subsection (e); multiplied by

18 “(B) 40 percent of the average per-pupil
19 expenditure in the State, except that the
20 amount determined under this paragraph shall
21 not be less than 32 percent, nor more than 48
22 percent, of the average expenditure per pupil in
23 the United States.

24 “(2) SUBSEQUENT YEARS.—

25 “(A) BASE AMOUNT.—



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1 “(i) IN GENERAL.—Except as pro-
 2 vided in subsection (b) and clause (ii), each
 3 State is entitled to receive under this part,
 4 for fiscal year 2001 and succeeding fiscal
 5 years, an amount equal to—

6 “(I) the amount that such State
 7 received under this part for fiscal year
 8 2000; plus

9 “(II) the amount allocated to the
 10 State under subparagraph (B).

11 “(ii) NONPARTICIPATING STATES.—In
 12 the case of a State (other than the Com-
 13 monwealth of Puerto Rico) that did not re-
 14 ceive any funds for fiscal year 2000 under
 15 this part, the State shall receive, for fiscal
 16 year 2001 and succeeding fiscal years, an
 17 amount equal to—

18 “(I) the amount that such State
 19 would have received under this part
 20 for fiscal year 2000 if its application
 21 under section 1304 for the year had
 22 been approved; plus

23 “(II) the amount allocated to the
 24 State under subparagraph (B).



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1 “(B) ALLOCATION OF ADDITIONAL
 2 AMOUNT.—For fiscal year 2001 and succeeding
 3 fiscal years, the amount (if any) by which the
 4 funds appropriated to carry out this part for
 5 the year exceed such funds for fiscal year 2000
 6 shall be allocated to a State (other than the
 7 Commonwealth of Puerto Rico) so that the
 8 State receives an amount equal to—

9 “(i) the sum of—

10 “(I) the number of identified eli-
 11 gible migratory children, aged 3
 12 through 21, residing in the State dur-
 13 ing the previous fiscal year; and

14 “(II) the number of identified eli-
 15 gible migratory children, aged 3
 16 through 21, who received services
 17 under this part in summer or interses-
 18 sion programs provided by the State
 19 during such year; multiplied by

20 “(ii) 40 percent of the average per-
 21 pupil expenditure in the State, except that
 22 the amount determined under this clause
 23 may not be less than 32 percent, or more
 24 than 48 percent, of the average expendi-
 25 ture per-pupil in the United States.”; and



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1 (2) by striking subsections (d) and (e).

2 **SEC. 202. STATE APPLICATIONS; SERVICES.**

3 (a) PROGRAM INFORMATION.—Section 1304(b) of
4 the Elementary and Secondary Education Act of 1965 (20
5 U.S.C. 6394(b)) is amended—

6 (1) in paragraph (1), by striking “addressed
7 through” and all that follows through the semicolon
8 at the end and inserting the following:

9 “addressed through—

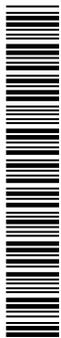
10 “(A) the full range of services that are
11 available for migratory children from appro-
12 priate local, State, and Federal educational pro-
13 grams;

14 “(B) joint planning among local, State,
15 and Federal educational programs serving mi-
16 grant children, including programs under parts
17 A and C of title VII;

18 “(C) the integration of services available
19 under this part with services provided by those
20 other programs; and

21 “(D) measurable program goals and out-
22 comes;”;

23 (2) in paragraph (5), by striking “the require-
24 ments of paragraph (1); and” and inserting “the
25 numbers and needs of migratory children, the re-



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1 requirements of subsection (d), and the availability of
2 funds from other Federal, State, and local pro-
3 grams;”;

4 (3) in paragraph (6), by striking the period at
5 the end and inserting “; and”; and

6 (4) by adding at the end the following:

7 “(7) a description of how the State will encour-
8 age programs and projects assisted under this part
9 to offer family literacy services if the program or
10 project serves a substantial number of migratory
11 children who have parents who do not have a high
12 school diploma or its recognized equivalent or who
13 have low levels of literacy.”.

14 (b) ASSURANCES.—Section 1304(c) of the Elemen-
15 tary and Secondary Education Act of 1965 (20 U.S.C.
16 6394(c)) is amended—

17 (1) in paragraph (1), by striking “1306(b)(1);”
18 and inserting “1306(a);”;

19 (2) in paragraph (3), by striking “appropriate”;
20 and

21 (3) in paragraph (7), by striking “section
22 1303(e)” and inserting “paragraphs (1)(A) and
23 (2)(B)(i) of section 1303(a)”.



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1 **SEC. 203. AUTHORIZED ACTIVITIES.**

2 Section 1306 of the Elementary and Secondary Edu-
3 cation Act of 1965 (20 U.S.C. 6396) is amended to read
4 as follows:

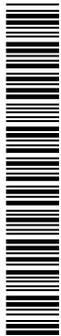
5 **“SEC. 1306. AUTHORIZED ACTIVITIES.**

6 “(a) IN GENERAL.—

7 “(1) FLEXIBILITY.—Each State educational
8 agency, through its local educational agencies, shall
9 have the flexibility to determine the activities to be
10 provided with funds made available under this part,
11 except that such funds shall first be used to meet
12 the identified needs of migratory children that result
13 from their migratory lifestyle, and to permit these
14 children to participate effectively in school.

15 “(2) UNADDRESSED NEEDS.—Funds provided
16 under this part shall be used to address the needs
17 of migratory children that are not addressed by serv-
18 ices available from other Federal or non-Federal
19 programs, except that migratory children who are el-
20 ible to receive services under part A of this title
21 may receive those services through funds provided
22 under that part, or through funds under this part
23 that remain after the agency addresses the needs de-
24 scribed in paragraph (1).

25 “(b) CONSTRUCTION.—Nothing in this part shall be
26 construed to prohibit a local educational agency from serv-



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1 ing migratory children simultaneously with students with
2 similar educational needs in the same educational settings,
3 where appropriate.

4 “(c) SPECIAL RULE.—Notwithstanding section 1114,
5 a school that receives funds under this part shall continue
6 to address the identified needs described in subsection
7 (a)(1).”.

8 **SEC. 204. COORDINATION OF MIGRANT EDUCATION ACTIVI-**
9 **TIES.**

10 (a) DURATION.—Section 1308(a)(2) of the Elemen-
11 tary and Secondary Education Act of 1965 (20 U.S.C.
12 6398(a)(2)) is amended by striking “subpart” and insert-
13 ing “subsection”.

14 (b) STUDENT RECORDS.—Section 1308(b) of the El-
15 ementary and Secondary Education Act of 1965 (20
16 U.S.C. 6398(b)) is amended to read as follows:

17 “(b) STUDENT RECORDS.—

18 “(1) ASSISTANCE.—The Secretary shall assist
19 States in developing effective methods for the trans-
20 fer of student records and in determining the num-
21 ber of migratory children in each State. The Sec-
22 retary, in consultation with the States, shall deter-
23 mine the minimum data elements for records to be
24 maintained and transferred when funds under this
25 part are used for such purpose. The Secretary may



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1 encourage States to implement a system of elec-
2 tronic records maintenance and transfer for migrant
3 students.

4 “(2) NO COST FOR CERTAIN TRANSFERS.—A
5 local educational agency receiving assistance under
6 this part shall make student records available to an-
7 other local educational agency that requests the
8 records at no cost to the requesting agency, if the
9 request is made in order to meet the needs of a mi-
10 gratory child.”.

11 (c) AVAILABILITY OF FUNDS.—Section 1308(c) of
12 the Elementary and Secondary Education Act of 1965 (20
13 U.S.C. 6398(c)) is amended by striking “\$6,000,000” and
14 inserting “\$10,000,000”.

15 (d) INCENTIVE GRANTS.—Section 1308(d) of the El-
16 ementary and Secondary Education Act of 1965 (20
17 U.S.C. 6398(d)) is amended to read as follows:

18 “(d) INCENTIVE GRANTS.—From the amounts made
19 available to carry out this section for any fiscal year, the
20 Secretary may reserve not more than \$3,000,000 to award
21 grants of not more than \$250,000 on a competitive basis
22 to State educational agencies that propose a consortium
23 arrangement with another State or other appropriate enti-
24 ty that the Secretary determines, pursuant to criteria that
25 the Secretary shall establish, will improve the delivery of



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1 services to migratory children whose education is inter-
2 rupted.”.

